

APPROVED: Meeting No. 4-82

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 2-82

January 11, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday January 11, 1982, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

ABSENT

Councilman Steve Abrams

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; Budget Officer Anna Lee Berman; Director of Finance John Lawton; Assistant City Manager Daniel Hobbs; Chief of Police Jared Stout; Director of Public Works Robert Goodin; Director of Community Development and Housing Assistance Douglas Horne; Information Officer Sue M. Patterson; City Attorney Roger Titus.

Re: City Manager's Report

Mr. Blick reported the following:

1. In 1977 the City borrowed \$2.8 million and used \$900,000 of CDBG funds to close out the Urban Renewal Downtown and the Montgomery College Urban Renewal Projects. Since then the sale of properties has allowed the finance director to pay off a \$2.8 million mortgage. The land is now free and clear. The next \$900,000 earned from land sale must be used for CDBG projects.

2. The Council Chamber is cold tonight because this past weekend the sub-contractor severed the line which feeds the Council Chamber. It will be repaired in a day or two.

3. A news release will be handed out this evening. It will be sent to PTA's & Civic Associations, notifying them of the City's action in appealing to the State Board of Education on the actions by the School Board. Mayor Hanna noted that this case could set a precedents. Councilman Freeland asked if there is any reason not to publicize this action and ask citizens to join with the City. Mr. Titus said that is simply a policy matter.

Meeting No. 2-82

-2-

January 11, 1982

Councilman Freeland felt it would be to the City's advantage to rally the citizens. Mayor Hanna agreed and suggested the the City attempt to enlist the aid of the citizens but not confuse the points being made since in many instances, the PTAs' point differs from the City's. Councilwoman Fordham suggested that information be added to the press release.

Re: Award of Contract Bid No.
19-82, Tree Maintenance

Bids were opened in the Conference Room of City Hall at 3:00 p.m., November 19, 1981, for tree maintenance in the City. The ten bid responses were as follows:

3-Person Crew/per hour

	Regular	Emergency
Ecology Tree, Kensington, Maryland	\$39.50	\$ 60.00
Cole Landscape & Tree Service, Silver Spring, MD	50.00	65.00
Shifflett Tree Services, Rockville, Maryland	63.00	90.00
Bauman Tree Experts, Rockville, Maryland	67.35	137.70
Bethesda Chevy Chase Tree Experts, Silver Spring, MD	68.00	110.00
Allegheny Tree Service, Fairplay, Maryland	70.00	95.00
David H. Hawkins, Jr. Landscaping, Frederick, Maryland	75.00	115.00
Latham LNGCPG, Baltimore, Maryland	80.00	95.00
Bartlett Tree Company, Rockville, Maryland	84.00	105.00
Rogers Tree Service, Beltsville, Maryland	180.00	210.00

This contract is to provide tree maintenance and removal that is beyond the capabilities of the staff. In addition, the contractor provides stump grinding of trees removed in-house. During periods of emergency, severe thunderstorms for example, the contractor supplements City personnel in clearing City rights of way. The amount budgeted was \$44,592.

The lowest bid received was from Ecology Tree Experts; however, they were determined not a responsible bidder. The bidder's references were unsatisfactory. The staff checked with some of Ecology Tree's clients and certain governmental agencies and found problems.

The second low bidder, Cole Landscape, does meet the bid specifications and it is therefore recommended that they receive the award. The service is not to exceed the budgeted amount of \$44,592. Cole has served the City over the past years and has done an acceptable job.

It is further recommended that the City shall recognize the option to extend the contract for an additional two years with Cole Landscape at the same agreed-to rate.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 19-82, was awarded to the second low bidder, Cole Landscaping, at the regular rate of \$50.00 and the emergency rate of \$65.00, per hour for a three-person crew, due to the low bidder not meeting specifications. The contract also was extended for an additional two years with the City reserving the option to extend the contracts for an additional two years at the same agreed-to rate.

Re: Adoption of Resolution:
To provide for public
hearing and notice in
connection with annexation
of 14.66 acres, Jackson
property, north of Montrose
Road, and east of Rt. 270

Resolution No. 1-82

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 1-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, providing for a public hearing on May 10, 1982, was adopted by the Mayor and Council.

Re: Introduction of Resolution:
To enlarge the corporate
boundaries of Rockville to
include 14.66 acres of land of
the Jackson property

On motion of Councilman Tyner, there was introduced upon the table, a Resolution of annexation that will enlarge the corporate boundaries of Rockville to include 14.66 acres of the Jackson Property.

Re: Receipt of proposed housing
policy for Rockville

The Mayor and Council were presented with a proposed housing policy for the City of Rockville prepared by the Department of Community Development and Housing Assistance. Councilwoman Fordham noted that there is a good deal of material for discussion. She asked that the staff begin preparing additional information and be more specific on development that is adjacent to greenspace to provide the City with more greenspace while providing affordable housing that is energy efficient. She said she would like to see more than single family housing considered for those areas. She asked that the staff look into how many parcels are available to accomplish this and what it would mean to the City in terms of adding additional housing stock. Councilman Tyner asked that the staff also

Meeting No. 2-82

-4-

January 11, 1982

particularly address taking affirmative steps to insure the development of housing in the Town Center and conducting with the possible assistance of the private sector an examination of present laws, ordinances and policies in order to evaluate whether existing methodology is discouraging or adds unnecessarily to the cost of the development of new houses. Mayor Hanna also asked that alternative housing options be explored. Mayor Hanna asked that the report be sent to all City Boards and Commissions for comment and then placed on the Mayor and Council's agenda. Councilwoman Fordham asked that the ideas mentioned by the Council be included when the report is referred.

On motion of Councilman Freeland, duly seconded and unanimously passed, the report was accepted by the Mayor and Council.

Re: Adoption of Ordinance:
To Authorize the Issuance
of Bond Anticipation Notes

Ordinance No. 1-82

Edward Clark, of Piper & Marbury, answered Council's questions as did John Lawton, Director of Finance. They addressed the legal mechanism in the payoffs and the arbitrage that is permitted in the first three years so that in borrowing the \$10 million now, \$5 million of it can be invested and the profits used to defray the cost of interest over the entire period.

Councilman Tyner moved, duly seconded that the ordinance be amended to reflect the technical changes brought forth by the bond counsel.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Mayor and Council all voting aye, Ordinance No. 1-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council authorizing the issuance of Bond Anticipation Notes, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those persons who wished to address the Mayor and Council.

1. Evelyn Roberts. Mrs. Roberts said she read in the paper that the New York State Employees fund was used to finance the Town Center. She asked if the City Employees pension fund was fully funded and where is the report that was done on that. The City Manager said it is in the process of being done now. Mrs. Roberts said she would like a copy of it when it is completed.

2. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein showed the Council an audit of anti-Semitic incidents in 1981 and handed the report to the Council. He mentioned incidents that had occurred nationwide and in the state of Maryland and the increase of them, particularly by young people. Mayor Hanna spoke of how the Council and the City deplores that type of action and the City's pursuit of action from an institutional point and he encouraged a personal response from all citizens.

3. Elaine Goldberg, 719 Harrington Road. Mrs. Goldberg told the Council she had read the appeal begun by the City against the Board of Education. It is very comprehensive and she feels Sondra Block did a fine job. She is happy to see the City's strong stand which will benefit all the citizens.

4. Michael Gordon, 206 Upton Street. Mr Gordon again addressed the Council on the matter of lack of signals on Washington Street near the Giant Shopping Center and the difficulty for the elderly in crossing the street. He said it is good to see the City has a surplus budget and he suggests some of the funds be used to improve the situation there. Mayor Hanna asked if the Traffic and Transportation Commission has looked into this. The City Manager said he would double check and get back to the Council. Councilwoman Fordham suggested a flashing light. The City Manager said that could give a false sense of security to the citizens but he will get back with a report. Councilwoman Fordham suggested it include a pedestrian count.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: Map
Amendment Application, M-32-81
Pepsi-Cola Bottlers of Wash-
ington, D.C., Applicant,
requesting that the property
on Rockville Pike at the
northwest corner of Chapman
Ave. and Twinbrook Pkwy, be
rezoned from the present I-1
(Industrial Zone) to C-2
(Commercial Zone.)

The Mayor and Council conducted a public hearing on Map Amendment Application M-32-81, Pepsi-Cola Bottlers of Washington, D.C., requesting that the property on Rockville Pike at the northwest corner of Chapman Avenue and Twinbrook Parkway, be rezoned from the present I-1 to C-2, and heard those persons as will

Meeting No. 2-82

-6-

January 11, 1982

be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing be closed with the record held open for two weeks.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Lee Hocker, re Federal Express

Councilman Freeland asked the City Manager the status of this. The City Manager said Federal Express has requested a placement of drop boxes in the City and the staff is looking into it now. Councilman Freeland asked that a letter be written to Mr. Hocker telling him of the status.

2. Cole Landscape Service, re Bid No. 19-82
3. Robert Furman, re instruction to Board of Appeals

Mayor Hanna said the Mayor and Council have no jurisdiction over this. The City Manager said the Board of Appeals has granted the request.

Re: Information Items

1. Police Report
2. Copy of letter to Rockville Housing Authority from Sentinel requesting access to records

Mayor Hanna asked if the Authority had complied with the request. The City Manager said it had.

3. Memo from PIO re Publicity Effectiveness
4. Economic Update
5. Preliminary Draft on Rockville Traffic Systems Management
6. Notice of Appeal by Paisano's to Board of Appeals action

Re: New Business

1. Councilman Freeland brought to the Council's attention, a memo from the City Manager concerning employee's holiday on Lincoln's Birthday. He noted that the City Manager had suggested the additional holiday be the subject of negotiations. Mayor Hanna agreed and suggested it be made a holiday this year. Councilman Tyner expressed his opposition of adding any City holiday unless it is absolutely necessary. The Council agreed with Mayor Hanna's suggestion that it will be a paid holiday this year but in the future if the employees desire it, it should be considered during the negotiations process.

2. Councilman Tyner asked the City Attorney the status of the paperwork on the election amendments requested last October. The City Attorney said he did not know. Mayor Hanna instructed the City Attorney to place it on next week's agenda.

3. The City Manager asked if the Council agreed with Assistant City Attorney Block's recommendation on the appeal to the State. It was suggested that the Mayor and Council contact the County Council and Park and Planning and urge upon them the points the City raised in its notice of appeal in an effort to have the plan rejected. The Council agreed to this.

4. The City Manager gave the Council a memo on traffic controls at the Park Road/Stonestreet intersection and asked the Council if they understood that the problems involved installation and were satisfied with the staff's report. The Council was not satisfied with the report. It was the Council's feeling that it can be accomplished sooner, if necessary, by waiving the bidding process due to the emergency of the traffic problem. Councilman Freeland moved, duly seconded, that the City Manager be instructed to look at the Charter and come back to the Council with a reason for waiver and a negotiated price. Councilman Tyner disagreed and said this is not an emergency and he plans to vote against it. The motion passed, with only Councilman Tyner voting nay.

5. Councilman Tyner asked the status of the sidewalk over on Park Road. The City Manager said there will be a report given to the Council next week.

Re: Approval of Minutes

On motion of Councilman Freeland, duly seconded and unanimously passed, the minutes of Meeting No. 43-81, were approved as written.

Re: Executive Session

On motion of Councilman Freeland, duly seconded and unanimously passed, the meeting was closed for executive session to discuss land disposition.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11:15 p.m. to convene again in general session on Monday, January 18, 1982, at 8:00 p.m. or at the call of the Mayor.